

Iraq's problems. We heard little about his diplomatic efforts to end the sectarian strife. We heard little about his thoughts on how to put Iraq's reconstruction back on track. We heard little of what he is doing to counter extreme ideology making such dangerous inroads in Iraq and around the world.

Instead of kicking the can down the road and letting future Presidents find our way out of Iraq, as we have been told by Secretary Rice and the President himself will happen, it is time for the President to lay out the comprehensive strategy that our troops, our families, and the American people have been waiting for. They have been waiting a long time.

The Nation should no longer have to guess what is on the President's mind and grapple for some insight on what "condition based" withdrawal actually means, a phrase the Defense Secretary does not even understand. We should all understand, a full-page ad in major newspapers around the country, paid for by current CEOs, says Secretary Rumsfeld should go. These are CEOs of some of the major companies in America. "Condition based withdrawal" is a phrase the Defense Secretary does not understand. It is time for a clear plan that is as good as the men and women who serve our Nation each day. It is time for the Iraqi people to take control of their own country, their own affairs, and long past time for this administration to come up with a plan that places the burden of securing Iraq forces on Iraq itself. The burden of securing Iraq should be on Iraqis, not the United States. We have done a lot. Even though the news over the week-end creating part of the new government is a step forward, we still have a long way to go.

I apologize to my friend from Iowa for taking as much time as I did. I appreciate very much his courtesy, as usual.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2611, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2611) to provide for comprehensive immigration reform and for other purposes.

Pending:

Ensign/Graham modified amendment No. 4076, to authorize the use of the National Guard to secure the southern border of the United States.

Chambliss/Isakson amendment No. 4009, to modify the wage requirements for employers seeking to hire H-2A and blue card agricultural workers.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I understand the time is now reserved for the Senator from New Mexico to speak on the pending matter; is that correct?

The ACTING PRESIDENT pro tempore. The Senator may proceed.

Mr. DOMENICI. Mr. President, I rise today to speak about border security and the immigration reform bill. I have some very strong views on this issue because my home State shares its southern border with Mexico. Every day I hear stories about the problems of lax border security, a cause for concern among my constituents. They tell me directly the problems this causes. I am convinced we must do more to secure our borders than we have been doing. However, I am very pleased we are making headway. I hope, in the not too distant future, the American people will see the fruits of that headway. I hope I can explain in my time allotted how we are going to do more and what we are doing.

Border security and immigration enforcement should be top priorities in our debate this week. Whether they are top priorities will influence my vote on any border and immigration package considered in the Senate.

The first step to secure our border is more border security funding. I believe Senator JUDD GREGG, as chairman of the Appropriations Subcommittee on Homeland Security, understands this. Sometimes it has been difficult to let the American people hear what is going on, what he is doing in his subcommittee, what the Senate is doing when it follows his lead, and what happens when we finish work with the House on the bills that start out in his committee.

He helped us provide \$635 million for border security in fiscal year 2005 in an emergency supplemental appropriations bill. With his efforts, we provided more than \$9 billion for border security and immigration enforcement in the fiscal year 2006 Homeland Security appropriations bill. He worked to include \$1.9 billion for border security in the Senate fiscal year 2006 emergency supplemental appropriations bill. Add that up, and one can understand that Congress is finally responding to the gigantic needs of making our international borders secure.

The fiscal year 2006 emergency supplemental funding I have alluded to includes such items as \$100 million for sensors and surveillance technology; \$120 million for new Border Patrol stations, checkpoints, and vehicle barriers; \$80 million for Border Patrol vehicles; and \$790 million for border security helicopters and other air assets. Believe it or not, until recently, while we have talked a great deal about the Border Patrol and what they must do, they had helicopters from the Vietnam era. We have finally decided to buy them a new fleet of helicopters. After all these years of talking, we are finally doing something. Also, we included \$50 million for an upgraded CBP communications system.

Many Americans must be wondering, what have we been doing all these years in all these appropriations bills when we have talked so much? The truth is, we have done little. But we are doing more now.

Second, we need more border security provisions as part of border security and immigration reform legislation. Many security provisions in the current border and immigration bill are good, but they are not enough. I have filed three amendments to the bill which I will discuss shortly. I understand and think once Senators have heard these amendments and the managers have had a chance to review them, they may be accepted.

Lastly, we should try to address what to do with the millions of undocumented workers in America today. In March, I joined with a bipartisan group of Senators to support what has been called the Hagel-Martinez compromise. I supported the compromise in hopes that it would allow a border security and immigration bill to move forward. I also supported it because, as I understand the bill, anyone who came to the United States illegally after January 7 of 2004 receives no special treatment; that is, those hundreds of thousands of people who have been running to the border or who have been taken to the border, who have purchased their way to the border in the last few months, will receive no special treatment. It is my understanding these individuals—that is, post-January 7, 2004 illegal entrants—would be subject to removal and deportation under existing immigration laws. The record needs to clearly reflect that.

That means one group of people that Americans are wondering about will not receive any special privileges under this bill. They are sort of the Johnny-come-latelies who have run to the border thinking if they can get here quick enough they will be included in our immigration reform efforts. But it is my understanding that these individuals would be subject to removal and deportation under existing immigration law. I repeat that because I believe a number of Senators, on this side of the aisle at least, are indicating their support for this bill because they believe that is in the bill.

As the most senior Senator representing a southwest border State, I would like to now discuss the amendments I have filed, which I believe make eminent sense and should be accepted by the Senate.

The first is an amendment regarding Mexican cooperation. This amendment will require the Secretary of State to cooperate with Mexico to improve border security and to reduce border crime. The amendment is the result of a lot of hard work and is cosponsored by the distinguished Senator from Connecticut, Mr. DODD, who is very familiar with the border problems and the problems with Mexico.

I would like to read that amendment because a reading of it does more than

I could do by trying to summarize it. This amendment has as its purpose:

To improve coordination between the United States and Mexico regarding border security, criminal activity, circular migration, and for other purposes.

(a) COOPERATION REGARDING BORDER SECURITY.—The Secretary of State, in cooperation with the Secretary of Homeland Security and representatives of Federal, State, and local law enforcement agencies that are involved in border security and immigration enforcement efforts, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico regarding—

(1) improved border security along the international border between the United States and Mexico;

(2) the reduction of human trafficking and smuggling between the United States and Mexico;

(3) the reduction of drug traffic and smuggling between the United States and Mexico;

(4) the reduction of gang membership in the United States and Mexico;

(5) the reduction of violence against women in the United States and Mexico; and

(6) the reduction of other violence and criminal activity.

Next:

(b) COOPERATION REGARDING EDUCATION ON IMMIGRATION LAWS.—The Secretary of State, in cooperation with other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to carry out activities to educate citizens and nationals of Mexico regarding eligibility for status as a non-immigrant under United States' law to ensure that the citizens and nationals are not exploited while working in the United States.

(c) COOPERATION REGARDING CIRCULAR MIGRATION.—The Secretary of State, in cooperation with the Secretary of Labor and other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico to encourage circular migration, including assisting in the development of economic opportunities and providing job training for citizens and nationals in Mexico.

(d) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of State shall submit to Congress a report on the actions taken by the United States and Mexico under this section.

I believe this amendment is absolutely necessary, and I am very pleased Senator DODD has joined me in supporting the amendment. I hope this will become part of this bill. My amendment will require an annual report which I think will push the leaders of Mexico to do the kinds of things that Americans expect these two countries to do. If we do not work together, we will have chaos. But with an agreement to work together on these issues, annually the people of both countries should know what is going on in terms of cooperation in the areas I have just spoken to.

Now, sources estimate that as much as 85 percent of apprehended illegal immigrants are from Mexico. So we must work with Mexico to address the security of our southern border and the number of illegal entries from Mexico.

My amendment calls on the Secretary of State to work with Mexico to

improve border security; reduce human smuggling, drug trafficking, violence against women, and to inform Mexican nationals of the benefits of U.S. immigration. I have just read the amendment in its entirety on each of these subjects.

Mexico must do its part in this initiative.

On Sunday, there was an Associated Press article titled "Mexico Works to Bar Non-Natives from Jobs." That article says—and I quote—

Even as Mexico presses the United States to grant unrestricted citizenship to millions of undocumented Mexican migrants, its officials at times calling U.S. policies "xenophobic," Mexico places daunting limitations on anyone born outside its territory.

Mexico expects us to have much more humane, much more liberal, and much more constructive immigration policies in our Nation than it is willing to implement within its own borders. Can you imagine the uproar if we were to try to make our immigration policies anything like the policies of Mexico?

In addition to changing its own immigration policies, Mexico has some other responsibilities, in my view. How many of its citizens, seeking economic sustenance, does Mexico expect us to take before it reforms its own economic policies?

Estimates released over the weekend reveal that about 10 percent of the Mexican workforce now works not in its homeland but in the United States, and that 10 percent provides about 15 percent of the Mexican national income.

We have an unusual, perhaps unique, situation along the border between the United States and Mexico. On no other border of this length in the world does such a disparity exist between the economic prowess and programs of the two nations sharing such a border.

Here is America, the leading economy in the world, bordered for almost 2,000 miles by a nation that persists in economic policies that have failed to provide sufficient jobs or salaries for much of its people. No similar situation exists anywhere on the globe. So we have a unique challenge that is attendant to this unique situation.

That challenge needs to be met not just by the United States, but by Mexico, too. They must join us in an effort to solve this challenge. Economic reform, greater emphasis on the private economy, and modernizing more of its facilities remain great challenges that Mexico must face.

We are forced to tighten our borders not because we are a mean nation, but because the economy to the south of us is driving millions to our country's economy. I believe my amendment will provide for more cooperation between the United States and Mexico. As a result, I believe our border could be more secure.

I have another amendment that has to do with Federal judges. I note the distinguished Senator from California, Mrs. FEINSTEIN, is on the Senate floor,

and her state is impacted by this amendment. It has to do with the inadequate number of Federal judges that is going to result when this new law is put into effect. The U.S. district courts in the southwest are overly burdened with immigration caseloads. We must have additional judges, as recommended by the 2005 Judicial Conference.

Let me explain. While immigration cases typically go before immigration judges, repeat offenders can be charged with felonies and tried in Federal district court. As a result, four of our district courts have immigration caseloads that total more than 50 percent of their total criminal filings.

The fiscal year 2004 immigration caseload for the Southern District of Texas totaled 3,668 filings. This is more than 65 percent of the district's 5,599 criminal filings.

The District Court for Arizona had 2,404 immigration filings, more than 59 percent of the district's 4,007 criminal filings.

The Southern District of California had 2,206 immigration filings. That is more than 64 percent of its total 3,400 criminal filings.

The district court for my home State of New Mexico had 1,502 immigration filings. That is more than 60 percent of its total of 2,497 criminal filings.

I am glad we are improving border security and interior enforcement with this legislation. But, obviously, we must also provide the adequate machinery to go along with that, and that means enough Federal judges to handle the caseload that will be generated.

In short, if we put more Border Patrol agents and immigration personnel on the southwestern border, we need to provide more resources to the other Federal agencies that also deal with immigration.

The immigration bill recognizes this to some degree by calling for more DHS and DOJ attorneys, public defenders, and immigration judges. But we must add new district judges necessary to hear the cases of repeat immigration law violators. Failure to do that means we will create even more of an unworkable situation that already involves mass arraignments and sentencings.

As we work on this bill to provide more resources to the Departments of Homeland Security and Justice, we must also address related needs, so I am proud to offer this amendment with Senators KYL, CORNYN, and HUTCHISON.

I also address a related need for more deputy marshals in an amendment. We have a dramatic shortage of deputy marshals to handle the increased caseload that will be associated with repeat immigration law violators. My third amendment, offered with Senators BINGAMAN, KYL, CORNYN, and HUTCHISON, awaits consideration. It adds 50 new deputy marshals each year for 5 years.

Lastly, I would just comment on a very important part of the bill, the land port-of-entry improvements sections. Those provisions are based on

legislation I authored in the 108th Congress with Senator DORGAN and which 13 other border state Senators cosponsored.

These provisions address the needs of our land ports of entry.

I am grateful that the managers of the bill have adopted that legislation as part of their bill. These sections are critical because neither American border has undergone a comprehensive infrastructure overhaul since Senator DeConcini, a Senator from Arizona, and I put forth an effort to modernize the southwest border 20 years ago. We have done nothing comprehensive since 1986 on either the north or south international border. A great deal has changed since then, including the passage of legislation to improve security of our airports and seaports, following September 11, 2001.

I appreciate Chairman SPECTER including my legislation to identify port-of-entry infrastructure and technology improvement projects, prioritize and implement these projects based on need, require a plan to assess the vulnerabilities of each of the ports of entry located on the northern and southern borders of our great Nation, implement a technology demonstration program to evaluate new ports of entry technologies, and provide training necessary for personnel who must implement these new technologies. I believe these provisions are essential for border security. I am glad and appreciative that they are in the bill.

Mr. President, we must secure our international borders. I believe with Chairman GREGG's leadership on the Homeland Security Appropriations Subcommittee and strong border security provisions in this bill, we can do just that.

I thank the Chair for the time granted me to express my views and to the Senators who have listened. Certainly, I hope what I have said will have an impact to some extent on this bill and that the amendments that have not yet been adopted, of which I have spoken, will, before we come to final closure, become part of this great effort to secure our borders, provide for an orderly transition for those who have come to our country illegally, and create orderly rules for future guest workers. This is important so the relationships between America and other countries can move forward, and so our country, which is going to need immigrants in the future, can look forward to that in an orderly manner based on a border that is secure and an agreement between the U.S. and Mexico that is going to be carried out and rendered operative.

I yield the floor.

AMENDMENT NO. 4087

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from New Mexico for his thoughtful comments on the bill. I have the privilege of serving as a member of the Energy

Committee, of which he is chairman. It has been a pleasure for me to serve under his chairmanship. I thank him for those comments.

I come to the floor to discuss an amendment, SA 4087, which I filed this morning. It is entitled "To modify the Conditions Under Which Aliens Who Are Unlawfully Present in the United States Are Granted Legal Status." I ask unanimous consent that Senator HARKIN be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I ask unanimous consent that letters of support for the amendment from the Congressional Hispanic Caucus and over 115 groups and organizations from around the country be printed in the RECORD.

There, being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE
UNITED STATES,
Washington, DC, May 22, 2006.

DEAR SENATOR: We write to express our strong support of the Feinstein amendment to S. 2611 and ask you to vote for it when considered on the Senate floor.

The Feinstein "orange card" amendment would simplify the implementation of the legalization program considerably, creating a uniform and tough path to permanency for all hard-working undocumented immigrants living in the United States—without providing them an automatic pardon or amnesty.

To qualify, undocumented individuals would be required to have been physically present in the United States and working by January 1, 2006. They would have to pay a \$2000 fine and back taxes, learn English and American civics, and pass extensive criminal and security background check. After working for at least 6 years, orange card holders could apply for legal permanent residence, but only after all current applicants for a green card are adjudicated.

S. 2611, as currently drafted, creates a complicated, three-tiered process that could undermine the success of the legalization program. We fear that without amendment, the legalization program will be costly and difficult to administer, prone to widespread fraud and inherently unfair to those that it would, perhaps even inadvertently, exclude.

It is our position that for a comprehensive approach to work, immigration reform must be tough and enforceable and bring as many undocumented individuals out of the shadows as possible. If reform fails to do this, we will be wasting an important and historic opportunity to get at the root of the problem with our immigration policy. Rather than fixing our broken system once and for all, S. 2611 could postpone our ability to get control of migration flows into our country and secure our homeland.

The Feinstein amendment would strengthen the effectiveness and fairness of S. 2611, and is, therefore, in the best interests of all Americans. We urge you to vote yes on the Feinstein amendment.

Sincerely,

GRACE FLORES
NAPOLITANO,
Chair, Congressional
Hispanic Caucus
(CHC).

LUIS V. GUTIERREZ,
Chair, CHC Immigra-
tion Task Force.

COALITION FOR COMPREHENSIVE

IMMIGRATION REFORM.

DEAR SENATOR: On behalf of the undersigned organizations, we are writing to express our strong support for the Feinstein "Orange Card" amendment which replaces the three-tiered treatment of undocumented immigrants in S. 2611 with one simple process that applies to undocumented immigrants who lived in the U.S. on January 1, 2006 and meet other strict requirements including paying taxes, learning English, passing criminal and security background checks, and paying a \$2000 fine.

Under the Feinstein amendment Orange Card holders may become lawful permanent residents when all current applicants for green cards have been received from them (estimated to be 6 years), or 8 years after the bill becomes law, whichever is earlier. This means that they are essentially "in line" behind those who are currently awaiting visas through our legal immigration system. Orange Card holders must check in each year with the government and show that they continue to meet all of the requirements listed above.

There are numerous other important advantages of the Feinstein Orange Card amendment including: one simple process to legalize qualifying undocumented immigrants who entered the U.S. before January 1, 2006; equal treatment of all family members; and ease of administration with less potential for fraud. Moreover, the amendment increases the effectiveness of comprehensive immigration reform by maximizing the extent to which undocumented immigrants currently in the United States can access a path to U.S. citizenship.

We are deeply concerned that S. 2611 will exclude too many immigrants who are hard working, law abiding, and making important contributions to this country. We believe the best way to reform the law is to maximize the number of immigrants who legalize and to create a process that works. We urge you to recognize the many contributions that these immigrants make to our country and provide a path to citizenship which is consistent with the spirit of S. 2611 in that immigrants would have to meet the same requirements for working paying taxes, learning English, and waiting in line behind others but without creating unnecessary and cumbersome parallel processes which will be difficult to administer and will leave too many behind.

We strongly support the Feinstein Orange Card amendment and urge you to support it.

Sincerely,

ACORN; Aceraimiento Hispano de Carolina del Sur; The American-Arab Anti-Discrimination Committee; American Friends Service Committee, Miami; Asian American Justice Center; Asian Americans for Equality; Association of Mexicans in North Carolina (AMEXCAN); CASA of Maryland, Inc.; Center for Community Change; The Center for Justice, Peace and the Environment; Center for Social Advocacy; Central American Resource Center/CARECEN-L.A.; Centro Campesino Inc.; Coalition for Asian American Children and Families (CACF); Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA); Coalition for New South Carolinians; Community Wellness Partnership of Pomona; Dignity Through Dialogue and Education; Eastern Pennsylvania Conference of the United Methodist Church; El Centro Hispanoamericano; El Centro, Inc.; Empire Justice Center; En Camino, Diocese of Toledo; FIRM (Fair Immigration Reform Movement); Family & Children's Service; Fanm Ayisyen Nan Miyami/Haitian Women of Miami, Inc.; The Farmworker Association of Florida Inc.; Farmworkers Association of Florida; Florida Immigrant Coalition;

Fuerza Latina; Fundacion Salvadoreña de la Florida; Georgia Association of Latino Elected Officials (GALEO); Guatemalan Unity Information Agency; Haitian Women of Miami; HIAS and Council Migration Service of Philadelphia; Heartland Alliance; Hebrew Immigrant Aid Society (HIAS); Hispanic American Association; Hispanic Coalition, Miami; Hispanic Federation; Hispanic Women's Organization of Arkansas; Holy Redeemer Lutheran Church, San Jose, CA; ISALAH, Twin Cities and St. Cloud Regions, MN; Illinois Coalition for Immigration and Refugee Rights; Interfaith Coalition for Immigrant Rights, California; Interfaith Coalition for Worker Justice of South Central Wisconsin (ICWJ); Intl. Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Miami; International Immigrants Foundation; International Institute of Rhode Island; Institute of the Sisters of Mercy of the Americas; Irish American Unity Conference; Irish Immigration Pastoral Center, San Francisco; Irish Lobby for Immigration Reform; Korean American Resource and Cultural Center, Chicago, IL; Korean Resource Center, Los Angeles, CA; JUNTOS;

Joseph Law Firm, PC; LULAC; Labor Council for Latin American Advancement, LCLAA; Latin American Immigrants Federation; Latin American Integration Center, New York City; Latino and Latina Roundtable of the San Gabriel Valley and Pomona Valley; Latino Leadership, Inc.; Latinos en Acción de CCI, a chapter of Iowa Citizens For Community Improvement; Law Office of Kimberly Salinas; League of Rural Voters; MALDEF; Make the Road by Walking; Mary's Center for Maternal and Child Care; Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA); Medical Mission Sisters' Alliance for Justice; Michigan Organizing Project; Minnesota Immigrant Freedom Network; The Multi-Cultural Alliance of Prince George's County Inc.; Nashville Area Hispanic Chamber of Commerce; National Advocacy Center of the Sisters of the Good Shepherd; National Alliance of Latin American & Caribbean Communities (NALACC); National Capital Immigration Coalition (NCIC); National Council of La Raza; National Farm Worker Ministry (NFWM); National Immigration Forum; National Korean American Service & Education Consortium, Los Angeles, CA; Nationalities Service Center; Nebraska Appleseed Center for Law in the Public Interest; Neighbors Helping Neighbors; NETWORK—A National Catholic Social Justice Lobby; New York Immigration Coalition; ONE Lowell, Lowell, MA; Pennsylvania ACORN; People For the American Way (PFAW); Pineros y Campesinos Unidos del Noroeste (PCUN); Presbyterian Church (USA), Washington Office; Project HOPE; Project for Pride in Living; Rockland Immigration Coalition; Rural Coalition/Coalicion Rural; Service Employees International Union (SEIU); SEIU Florida Healthcare Union; SEIU Local 32BJ; Seattle Irish Immigrant Support Group; Society of Jesus, New York Province; South Asian American Leaders of Tomorrow; Tennessee Immigrant & Refugee Rights Coalition (TIRRC); UN DIA (United Dubuque Immigrant Alliance); UNITE HERE! U.S. Committee for Refugees and Immigrants (USCRI); Unite for Dignity for Immigrant Workers Rights, Inc.; United Farm Workers, Miami; United Food and Commercial Workers; United Methodist Church, General Board of Church and Society; Virginia Justice Center for Farm and Immigrant Workers; We Count!; Westchester Hispanic Coalition; Westside Community Action Network Center (Westside CAN Center); The Workmen's Circle/Arbeter Ring; YKASEC—Empowering the Korean American Community, New York, NY; Yee & Durkin, LLP.

Mrs. FEINSTEIN. Mr. President, I make these remarks as a 13½-year member of the Senate Judiciary Committee and the Immigration Subcommittee. I also come from a State which is very large in terms of immigrants, both legal and illegal, and a State which is a dynamic economic engine for our country. I strongly believe that any comprehensive immigration bill must address three issues: a strengthening of our borders so that they are safe, effective, strong; a limited guest worker program and an overhaul of the visa system; and most importantly, I believe, the creation of a pathway to earned legalization for the large number of people, estimated at between 10 and 12 million, who live today invisibly in our Nation and who have become a critical part of the American workplace and on whom employers depend to do work Americans will simply not do.

I respond to our analysis of the Hagel-Martinez amendment, and my remarks are in two parts. The first part will be to propose an alternative to Hagel-Martinez. The second part will be a critique on what I see are substantial flaws in the Hagel-Martinez amendment.

I first thank both Senators HAGEL and MARTINEZ. They have done a great service to the Senate and our country by trying to come up with a compromise solution to what is a major problem facing our Nation. Nonetheless, I find significant structural and practical faults and have tried to correct those with the proposal I have just introduced and will be speaking on now.

I am introducing what is called an orange card amendment. This amendment would streamline the process for earned legalization. It would create a more workable and practical program and dedicate the necessary dollars to cover its costs of administration. This amendment builds on the compromises already agreed to under McCain-Kennedy and Hagel-Martinez, and it incorporates the amendments already adopted on the Senate floor. But it eliminates what I see as an unworkable three-tiered program under Hagel-Martinez.

This amendment only deals with earned legalization. It does not change any of the border security provisions, the guest worker program, or any other part of this bill. Therefore, this amendment would essentially eliminate the program created by Hagel-Martinez and replace it with the orange card program I am now going to explain.

Under this amendment, all undocumented aliens who are in the United States as of January 1, 2006, would immediately register a preliminary application with the Department of Homeland Security. At the time of the registration, they would also submit fingerprints at the U.S. Customs and Immigration Service's facility so that criminal and national security back-

ground checks could commence immediately. That is the first step. It would also create a more precise registration system that would allow the immediate inflow of information into the Department of Homeland Security to be processed electronically, which the Hagel-Martinez amendment does not, and which is what we have been told is essential to ensuring that DHS can handle this new workload. It would give the Department time to vet the application through a thorough and orderly process. This would be the first step.

Under the second step, petitioners would submit a full application for an orange card in person by providing the necessary documents to demonstrate their work history and their presence in the United States. Their application would also require that they pass a criminal and national security background check that would be carried out based on the information and fingerprints from the preapplication; they demonstrate an understanding of English and U.S. history and Government, as required when someone applies for their citizenship; they have paid their back taxes; and they would pay a \$2,000 fine. The money from this fine would be used to cover the costs of administering the program. These requirements are the second step of what is required to earn an orange card. They also comply with previous amendments passed on the floor of the Senate during this debate.

If the application is approved, each individual would be issued what I call an orange card. I selected orange because the color had no connotation I could think of. This card would be encrypted with a machine-readable electronic identification strip that is unique to that individual. The card itself would contain biometric identifiers, anti-counterfeiting security features, and an assigned number that would place that individual at the end of the current line to apply for a green card. The number would correspond to the length of time that the petitioner has been in the United States so that those who have been here the longest would be the first to follow those currently waiting to receive a green card. That is the 3.3 million people outside of the country awaiting a green card. These cards would go in order following the expunging of that line.

The issuance of an orange card would allow individuals to remain in the United States legally and work, as well as travel in and out of the country. It would become their fraud-proof identifier, complete with a photo and fingerprints. This is the second step to earning legalization.

The third step is that on an annual basis, each individual who applies for an orange card would submit to DHS documentation either electronically or by mail that shows what they have been doing in that year, the work they have carried out, that they have, in fact, paid their taxes that year, and

whether they have been convicted of any crime during that year, either through court documents or an attestation, and they would pay a \$50 processing fee. These three steps, plus the required wait at the back of the green card line, clearly indicates that this is not an amnesty program.

The legalization in the orange card must be earned, and it must be earned over a substantial period of time. It would be available to all who are here from January of this year.

This language will ensure that there are enough funds to run the program because there is a \$2,000 fine that would be dedicated to paying for the administration of the program and a \$50 annual processing fee. For example, assuming there are between 10 and 20 million undocumented aliens already in the United States who would have to pay a \$2,000 fine, if 10 million came forward, that alone would raise \$20 billion. So the program would be covered. By including this language, this amendment protects against creating a new burden on taxpayers and ensures that the Federal Government has the necessary money to make the program work.

Another safeguard contained in the amendment is the annual reporting requirement. By including this process, this amendment will ensure that individuals who apply to this program remain productive and hard-working members of their communities. The amendment requires that individuals must work for at least 6 years before they may adjust their status. Realistically, from what we know about the number of green card petitioners legally waiting in other countries for their green card, it is much more likely that they would have to wait a longer time before the process is completed. Again, this is not amnesty. It is a clear path to an earned legalization. These prospective reporting requirements ensure that only individuals who deserve to adjust their status and continue to be productive members of their communities may become legal permanent residents.

In addition, by focusing on prospective requirements, this amendment streamlines the process and helps avoid the bureaucratic morass that has been created other times when Congress has acted. If we don't get this right, we will end up repeating mistakes of the past. We will simply create new incentives for illegal immigration, and we will enhance the problems our country now faces in tracking who is coming and going across our borders.

Remember, it is estimated that about one-third of those who receive visas do not leave the United States when their visas expire. So the problem is not only people coming across the border; the problem is also people misusing their visas. In 2004, there were just over 30 million visas issued. That is an unbelievable amount, but it is true. That means there could be up to 10 million people who overstayed their visas and remained in the United States. Now, of

course, most of them probably didn't stay here permanently. But it is clear from these statistics that our visa program has a serious problem when it comes to enforceability.

I strongly believe we must find an orderly way to allow those already here, many of whom have families, strong community ties, and some who have U.S. citizen children, to earn legalization over a substantial period of time. And virtually every poll I have seen has shown that over 70 percent of the American people agree. They know there are many people who are critical parts of our workforce. They work in agriculture, in landscaping, in housing, in the service industry, in the hotel industry, and they work all throughout our economy. I know some who not only have children, but their children are excelling. They not only live here, but they own homes, pay taxes, and they work hard. This is important so that this population can live fully productive lives without being subject to abuse or exploitation, and so that American commerce has the workforce that is necessary for agriculture, as well as many other industries.

During consideration of this bill in the Judiciary Committee, of which you are a distinguished member, Mr. President, we adopted an amendment referred to as the McCain-Kennedy program that was offered by Senator GRAHAM. This amendment created an earned legalization program that would also set up a number of hurdles individuals must pass through in order to earn their legalization. The Graham amendment was adopted by a bipartisan vote of 12 to 5 and was in the base bill previously considered by the Senate.

However, since that time, a new program was created and replaced McCain-Kennedy in the underlying bill. That program is known as the Hagel-Martinez compromise. It is important to point out that neither this body nor the Judiciary Committee has voted to adopt the three-tiered system which the Hagel-Martinez compromise proposes and which is now before this body.

Hagel-Martinez would treat people differently, depending on how long they have been in the United States. It is estimated that 6.7 million have been in the United States for more than 5 years; 1.6 million, less than 2 years; and 2.8 million, 2 to 5 years. The source of the numbers is the Pew Current Population Survey. So we have three tiers—more than 5 years, 2 to 5 years, and less than 2 years.

After an examination of the Hagel-Martinez language, I have come to believe that the three-tiered system is unworkable, that it would create a bureaucratic nightmare and it would lead to substantial fraud. My staff has consulted with current and former Government staff who have expressed serious concerns with the practical implications of how such a program could be implemented.

We already know the Department of Homeland Security is overburdened.

Just for a moment, look at the problems they face today. Our current system is running neither efficiently nor effectively, and we all know that. Let me just put on the table a few examples.

Currently, the Department of Homeland Security is struggling to implement a fully functioning US-VISIT Program to monitor those who are entering and exiting our country. This system of checking people in and out with a biometric card is only half completed. It is many years overdue.

The Bureau of Citizenship and Immigration Services struggles with enormous backlogs in applications from those who come to this country and attempt to adjust their status legally. FBI background checks often take between 1 or 2 years to process fingerprints. Naturalization lines are so long, it can take a person years and sometimes even decades to get through the system. How on Earth is DHS going to be able to handle a new program which cannot be run electronically and which will require massive documentation and enormous staff time?

What we have done is provided a structure for an electronic handling of the data submitted by the individuals, the electronic verification of the data, the checking out of this data. Hagel-Martinez creates a tiered system where those here less than 2 years are subject to deportation and those here from 2 to 5 years must return to their country and get themselves somehow into a guest worker program. It is estimated that 1.6 million people have been here for 2 years or less, and approximately 2.8 million have been here from 2 to 5 years. So that is 4.4 million people who are going to be asked to leave the country one way or another. Do you believe they will? History and reality shows that they will not. How will the Government find all of them and deport those who do not leave voluntarily? And if they are found and deported, what would lead us to believe they will not come right back to join their families and return to their jobs?

Secondly, individuals who have been here just under 2 or 5 years will inevitably try to argue they qualify for a higher tier. I think it is only realistic to expect that these tiers will become a breeding ground for flawed, fraudulent documents, and true evaluations will be virtually impossible to make. How on Earth are DHS personnel going to be able to verify when an individual entered the country to determine the less than 2 years or the 2- to 5-year tier?

When it comes to the second tier, 2 to 5 years, and the deferred mandatory departure program of Hagel-Martinez, I am concerned about how this process is going to function and who is going to follow through with executing its requirements. How is the Department of Homeland Security going to find these people who have been here 2 to 5 years and ensure that they actually leave the United States? Does anyone really expect that a father or a mother will voluntarily leave their families and go

outside the country for this so-called touchback? What is the incentive for people who have already been living in the United States to come forward and go through this process?

In order to understand why I have these questions, I think it is important for everyone to understand how the deferred mandatory departure program of Hagel-Martinez is supposed to work. There has been a lot of discussion about the program, but when you read the fine print of the bill language, there are serious questions and consequences that need to be better understood.

My understanding of the bill language is that a person who falls into this second tier, who has been here for 2 to 5 years, may remain in the United States legally for up to 3 years and then they must leave the country and find a legal program through which they may reenter the United States. This is the critical flaw in Hagel-Martinez. People will not risk leaving their families or their jobs in the hopes that once they leave the United States they will be able to reenter through a visa program, whether that be the new H-2C guest worker program or another visa program.

To compound this problem but ostensibly to make it possible, Hagel-Martinez waives the 200,000 visa cap that we just reduced from 325,000 in the Bingaman-Feinstein amendment on the H-2C program. In doing that, this would create a larger bureaucratic hurdle, a difficult standard of proof, and a complete decimation of the limits on the guest worker program. Instead of a new guest worker program—H-2C—that will bring in 200,000 people a year, we would be, in effect, creating a guest worker program that is supposed to accommodate 2.8 million people, plus another 200,000 people annually. So through this deferred mandatory departure, the Congress creates a guest worker program that will need to accommodate over 3 million people.

But putting all that aside, assuming this was actually doable, there are other problems. For instance, the H-2C guest worker visa only lasts a maximum of 6 years. So every person will quickly see that this is not an automatic path to earn their legalization, and they will be forced out of the country at the end of the 6 years. Will they go? I doubt it. I think you will have a new illegal immigrant problem.

The path to legalization has been modified through the amendment process on this floor, and now an H-2C worker will likely need their employer to petition for a green card on their behalf. An employer has to petition for it, meaning that, for 2 million people, their only hope to continue to live in the United States is through the grace of an employer. I think this places an undue burden on an employer, and it leaves workers vulnerable to exploitation from bad employers.

Also, H-2C workers, their spouses, and their children are not allowed to

remain in the United States if the worker fails to work for an approved employer for more than 60 consecutive at any time during the 6 years, with no exception for health problems or injuries. This will mean that if an individual does become injured or ill, they become deportable. In addition, all rights to administrative or judicial review of any future removal actions, are eliminated. Combined, in my view, these provisions are ill-advised. They make individuals extremely vulnerable to abuse, they put high burdens on employers, and they open the situation up to exploitation.

That leaves me to wonder, with these shortcomings, why would anyone in these categories participate in this program?

Why would someone who is already living here clandestinely, working, and already active in their community voluntarily come forward and register with the Department of Homeland Security and leave the United States to join this program? With these risks and pitfalls, my experience in California and my 13½ years on the Immigration Subcommittee tells me they won't. At worst, I fear we are creating an incentive for individuals to continue living under an illegal status, and I don't know how that benefits this Nation, the people of our Nation, the employers, or the people who are here today in an undocumented status. At best, we are creating a new burden on DHS to locate and monitor millions of people who are clandestinely integrated into the fabric of our Nation today.

In addition, the Hispanic National Bar Association specifically criticized this second tier, and it wrote this: We are particularly concerned that requiring individuals in the [second tier] to leave this country in order to fully legalize their status will result in severe disruptions for families, workers, and employers . . . We [also] believe that creating an additional class of undocumented immigrants will lead to greater administrative burdens as it will require the implementation of two different paths to legalization.

I think that is a very true statement.

Let me speak about the third tier for those who have been here for less than 2 years because according to Hagel-Martinez, they must all be deported. This means that DHS would be required to find and deport 2 million people. That is the bill we are going to pass—2 million, find them, deport them. How is that going to get done? Even President Bush acknowledged that such a large-scale deportation program is unworkable when he said this:

It is neither wise nor realistic to round up millions of people and send them across the border.

The only method to compel compliance with Hagel-Martinez is through employer sanctions, and we know from experience over dozens of years that employer sanctions do not work.

In fiscal year 2004, only 46 employers were convicted of illegal immigrant

employment—46 employers—out of the tens of thousands of employers whom we know employ the undocumented, and the number of employer sanctions cases resulting in fines has declined from a peak of nearly 900 under President Clinton to only 124 in fiscal year 2003. Not to mention even when employers are raided and then sanctioned, there is a backlash from the public.

So I am one who doesn't believe it is realistic to assume that, first, the Department of Homeland Security is going to be able to go out and deport 2 million people; and then secondly, to ensure that the other 2.8 million leave to go back for the touchback program.

So because of these concerns about the workability, the practicality, and the real-world impact of such a three-tiered system, I believe we have to create a much more efficient process, and I believe the orange card process is the best way to ensure that our policy goals in creating a path to legalization can be implemented and realized.

The structural flaws of Hagel-Martinez must be corrected, and this amendment essentially corrects them. It is workable, it is practical, it does not reward illegal immigration, but it creates a pathway for everyone in this country as of the beginning of this year to show over a substantial period of time annually that they have been and will continue to be a responsible and productive member of American society. It puts the burden on them to go in, to petition, to submit their fingerprints, to submit their photographs, and to wait for those to be checked out before they would be issued the orange card.

Once you have this orange card then you know you are legal. You can come in and out. It has the biometric identifiers. It is fraudproof. And the orange card has the additional ability of being numbered, so you also know that the lower numbers are going to people who have been here for the 10, 15, 20, 25, and 30 years that we know people, in fact, have been in this country. It is done in a way that can be carried out electronically, and I think that is part of the strength of the program.

Here we have a pathway that requires an individual to show over a substantial period of time that they have been and will continue to be a responsible and productive member of American society and to do so with certain tangible deeds: the tangible deed of work, the tangible deed of living a legal life, the tangible deed of paying back taxes, the tangible deed of learning to speak English. This is not amnesty. Nothing happens immediately. Amnesty is the immediate transition of someone from an illegal status to a legal status. If an individual cannot demonstrate these things, they will not receive a green card at the end of this long pathway, and then at that time they are deportable.

If a bipartisan majority agrees that an earned legalization program is a critical part of a comprehensive immigration reform bill, then the program

must work on the streets and it must be carefully structured so that it can be carried out. I believe this program can be carried out, and I am sorry to say that as currently structured, I do not believe the three-tiered process of Hagel-Martinez can or will be carried out.

This is an amendment on which I hope we will vote. It is at the desk. I ask my colleagues to look at it, study it, and if they have modifications—this is a complicated issue—if they have modifications they would like to see, please bring these to us because we hope there will be a vote in the next couple of days.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. McCONNELL. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. McCONNELL are printed in today's RECORD under "Morning Business.")

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I have been a Member of the Senate, now in my 26th year, and one of the issues that I have some regret about is voting for amnesty in the 1986 immigration bill, the last time that we had amnesty for people who illegally came to our country.

Another regret I have that has followed on is that probably we have not done enough to keep on top of our laws of anticipating when there was labor or workers needed from outside the country to come into our country, and we haven't provided then maybe the workers that we need when there aren't enough Americans to fill various jobs. That could be laborers in the case of construction, it could be service workers in the case of hotels, it could be engineers, if we don't educate enough engineers. And probably those two regrets I have relate to how I feel about the present legislation before the Senate.

I have looked back at my vote for amnesty, and I have tried to recall as best I can 20 years back. But it seems to me that I was convinced at that time that if we had amnesty along with worker verification, along with sanctions against workers, which I think was set in the law with a \$10,000 fine, we would solve all of our illegal immigration problems.

Well, at that particular time, we did not predict and foresee the development of an industry of fraudulent

documentmaking, so that if I came to this country illegally and I went in to get a job and I showed a passport that looked like the real thing but was fraudulent, and the employer didn't see the difference and they hired me, then he was absolved of any responsibility for willfully hiring a person illegally in this country. And amnesty was supposed to work with that to legalize 1 million people who were illegally in the country at that particular time.

So looking back now 20 years, it seems as though we winked at abuse of the law, and it gives credibility to people who think they can avoid the law because there is never going to be a penalty for it. So what was a 1 million-person problem in 1986, today the number is up to a 12 million-person problem, people coming into this country illegally.

So I have some apologies to the people of this country because I made a judgment that amnesty in 1986 would solve our problems, and ignoring illegality, I find, has encouraged further illegality, and we have 12 million people now in the country illegally.

Then I wonder whether, now that I am 72 years old, 20 years down the road when my successor is in office will they be dealing with an illegal alien problem of 25 million. Another thing I learned from 1986 was that we allowed family members of people who were here illegally to then come to the head of the line, and instead of legalizing 1 million people, we probably made it possible for 3 million people to be in this country as opposed to waiting to come in under the normal process. Then, the other part of it, to repeat, is maybe if we had been a little more on top of the employment situation in the United States in recent years, we would have changed our laws so that more people could come legally to this country to work. Having learned from those lessons—obviously I have been burned once on the issue of amnesty—I am not sure I want to be burned twice on the issue of amnesty.

Of course, at this point, with 1 more week to go in the debate on this bill and many amendments, I don't know, there might be a bill I can vote for. But I don't think I am prepared to vote for amnesty again. I am not prepared to vote for amnesty again and then create a problem 20 years down the road for our successors to have yet a bigger problem.

I think we have learned in America that we are a nation of the rule of law and that we ought to enforce the law. I think we made a mistake by ignoring illegality in 1986 because it encouraged further illegality. It is a little bit like getting crime under control in New York City. When Mayor Giuliani first came into office, he decided that the way to get at big crime was not to allow the petty crime. He went to work concentrating on people who were abusing the law even in a minimal sense. Soon it made an impact that he was going to be tough on crime, and

pretty soon you found a great reduction in major crime. If we start enforcing our immigration laws and if at the same time we have a realistic law for people to legally come to this country, then maybe we will be able to get the sovereignty of our Nation to what it is supposed to be, and that is at least the controlling of our borders.

One of the things I wish to make clear is that there is a guest worker program used in place of amnesty. I understood previous speakers to say you can earn your way to legality, you can earn your way to citizenship. There are a lot of people who commit crimes who never get a chance to work their way out of that crime. It probably signals to people in other lands a softness of our concern about whether people come here obeying our laws and sends a signal that it is OK to disregard our laws. So a guest worker program that is used to cover up amnesty I can't buy into.

There are proposals connected with this bill to allow people to come here legally to work, to have a job and to have papers when they cross the border to come into our country to work. We are expanding some of those provisions for people to legally come to this country, and we are inviting people to come in as guest workers.

My belief is people would rather come to work legally than illegally. If we had a temporary worker program that was not a bureaucratic nightmare and people who wanted to work in America and had a job in America knew they could come here legally, they would choose the legal way to come as opposed to the illegal way to come. I believe if we had such a program that worked and was efficient and people could count on it, including employers counting on it, then pretty soon, one by one, we would have legal workers replacing illegal workers because surely employers would rather hire people who came here legally.

If we are going to have an amnesty program, it ought to be one about which people can at least say that it meets the commonsense test, that it is not a joke, that it is a real, serious effort to make people earn their way to citizenship. I want to point out some things in the present bill before the Senate that do not meet the laugh test, as far as amnesty is concerned.

The biggest flaw is providing legal status to 12 million people who are breaking our law by coming here illegally. Not only do we give amnesty to those who are here, but we give it to spouses and children in their home countries. In 1986, I voted for amnesty. I was burned once. I don't want to be burned twice. With a 1 million-people problem at that time, we actually ended up maybe with 3 million people coming here under the laws we passed at that time, particularly considering family. If it is 12 million people we are talking about now, and 3 times that, are we talking about 36 million people as opposed to 12 million people? Amnesty is giving a free ride to 12 million

people, and maybe 36 million people if you consider 3 for 1. That was the lesson we learned in 1986.

Let's look at the so-called earned legalization provisions. Proponents of the bill say that an alien has to pay their taxes, pay a fine, learn English, and get in the back of the line—the line leading to legalization, the line that eventually could lead to citizenship.

I respectfully disagree with my colleagues who say that they are earning their citizenship. I will go into detail about each of these provisions, starting with the \$2,000 fine. An illegal alien can go from illegal to legal just by paying a fine of \$2,000. That is chump change, particularly considering that the same people could have paid a smuggler five times that amount to get across the border in the first place. This is not a heavy fine for the law that they broke. People here illegally knowingly crossed our border and overstayed their visa each day. They get legal status overnight for a small price; \$2,000 is a small price to pay for citizenship, especially since they have been working in the country and making a living for over 5 years. This fine is nothing but a slap on the hand, and it doesn't fit the illegality involved.

The fine of \$2,000 isn't due right away. In other words, you don't have to pay it right away. For those in the amnesty program, what is called the first-tier program, aliens here illegally are supposed to pay a fine of \$2,000. However, the way the bill is written, many aliens here illegally may not have to pay that fine until year 8, 8 years from that point. The bill says that the \$2,000 fine has to be paid, in the words of the legislation, "prior to adjudication." What does that mean? The fine is not going to be required up front. If it is left the way it is, then the alien here illegally can live, work, and play in our country and is immune from deportation, all without paying any fine for maybe up to 8 years and all the time imposing a financial burden on local taxpayers for health, education, and infrastructure costs that are not reimbursed for 5 to 10 years.

Let's look at the requirement about learning English and civics. Under the bill, an illegal alien could fulfill the requirement of learning English history and U.S. Government by "pursuing a course of study." Until Senator INHOFE's amendment last week, the alien didn't have to show their understanding of English or civics, yet the authors of this legislation wanted us to believe that in order to get this legal status, you had to show proficiency in English and understand how our political system works. The Inhofe amendment took care of that, but it was certainly a low bar for people illegally in our country to meet.

On the issue of paying taxes: Under the bill, aliens illegally in our country only have to pay 3 of the last years in back taxes. Let me ask any taxpayer, wouldn't you like to have the choice of

only paying taxes on 3 out of any 5 years? But that is supposed to be a step toward earning your way to citizenship. Why, if any of us did that and fraud was involved, we would be in jail. At the very least, you would have to pay all your taxes for all those years and pay fines and penalties. But, no, people illegally in our country get an option. You don't get an option; my constituents don't get an option, what years they want to pay back taxes. We have a tax gap of \$345 billion in this country, taxes that the IRS is owed but that are not collected. Of course, this makes the problem even worse. This bill would treat tax law breakers better than the American people. Let's make the alien who is here illegally, who gets amnesty, pay all outstanding tax liabilities. That is the only way this bill—or at least the portion of this bill we call amnesty—can meet the commonsense test.

On the issue of payment of taxes and the burden that might cause for the IRS, that is another portion of this bill that doesn't meet the commonsense test. Under the bill, the Internal Revenue Service has to prove that an alien here illegally has paid their back taxes. Frankly, it will be impossible for the Internal Revenue Service to truly enforce this because the Agency cannot audit every single person in the country.

I am chairman of the Senate Finance Committee. We have jurisdiction over the Internal Revenue Service. I can tell you that the tax man is going to have a difficult time verifying whether an individual owes any taxes. Why aren't we putting the burden on the aliens? They need to go back and they need to figure out what they owe. That is what each one of us does every spring between January and April 15, before we file our taxes. We figure out how much we owe, and we have to pay what we owe. Then in turn let who is here illegally certify to the Internal Revenue Service that they have paid their dues.

I have an amendment to fix this language and allow the IRS to devise a system to make that work. But the end result for this chairman of the Finance Committee is that these people who are here illegally should not have a better tax posture toward the IRS than any other hard-working American man and woman.

Now I want to go to security clearances to be given in 90 days, another part of this bill that doesn't meet the commonsense test. The compromise would require the Department of Homeland Security to do a background check on aliens who are here illegally. In fact, this compromise has placed a time limit on our Federal agents. The bill encourages the Federal Government to complete the background checks on 10 million aliens who are here illegally within 90 days. Can you imagine that?

Can you imagine taking care of background checks on 10 million people in 90 days? That doesn't meet the com-

monsense test. It is unrealistic. It is not only unrealistic, it is impossible, and a huge burden, as you can see, and a huge expense. Homeland Security will surely try to hurry with those background checks. They will pressure Congress to rush them. There will be a lot of rubberstamping of applications despite possible gang participation, criminal activity, terrorist ties, or other violations of our laws.

I am not talking about the vast majority of people who are working in America and here illegally. I am talking about a small percentage of these people. But with that small percentage, we ought to be sure our national security concerns are taken care of, and, no, we should not be rushing these clearances through in 90 days.

When it comes to criminal activity, terrorist ties, other violations of the law, and gang participation, that is not true. I will bet that 99 percent of the people who are here illegally, who are working hard to improve their lot in life but still here illegally, violating our laws, want a better life. But a small group of them, we have to know that they are not a national security risk. And you can't do that in 90 days with 10 million people.

Let's talk about during the amnesty process and people having to go to the back of the line to work their way toward citizenship. The proponents say the aliens who are illegal would have to go to the back of the line so they are not getting ahead of those who use our legal channels. That whole approach, if you are going to have amnesty, is the way to do it. This doesn't meet the commonsense test, but someone has to explain to me actually how it works.

This is important because at my town meetings—I had 19 town meetings in Iowa during the Easter break—some of the most vociferous statements against amnesty were made by naturalized citizens who said: How come I had to go through all these things and stand in line for long periods of time to become a citizen or even be legally in this country and you are going to move all of these other people to the head of the line?

The theory is that they are going to take care of that criticism in this bill, but it isn't very practical. How is the Citizenship and Immigration Service going to keep track of these people? They can't even count right because they give out more visas than the law requires. Besides, an alien on an amnesty track is getting the benefits that people in their home countries waiting in line to come here legally can't get. This whole process denigrates the value of legal immigration.

While here, they get to travel, send their kids to school, open a business, and get health services. Is that really going to the back of the line?

The work requirements also don't meet the commonsense test. The bill says that an illegal alien has to prove that they have worked in the United States for 3 of the last 5 years. It also

says they have to work for 6 years after the date of enactment. However, there is no continuous work requirement through amnesty. So you could work 30 days on, 30 days off, 30 days on. It is dishonest to say these people are working the entire time.

Let's get to the evidence of that work history which the bill requires. It says a person illegally in the United States has to prove they have worked in the United States 3 of the last 5 years. How do you do that? They can show the IRS or Social Security Administration records or records maintained by Federal, State, and local governments. Their employer can attest that they have been working; their labor union or day labor center can attest, but that is not all. It might meet the commonsense test. But if you can't get records from the IRS or the labor union, you can ask anybody to attest that you have been employed. The bill doesn't even prohibit the alien to attest themselves. Anybody, including a friend, a neighbor, a man on the street, could sign the attestation.

This opens the door to fraud. The Government cannot realistically investigate them. Senator VITTER tightened this loophole, but sworn affidavits still exist. This is an issue of confidentiality in reporting. If an alien illegally in the country is applying for amnesty, the Federal Government cannot use information provided in the application by adjudication; that is, adjudicating that petition. If aliens illegally in the country write in their application that they are related to, let's say, Bin Laden, then our Government cannot use that information. In fact, it says that the Secretary of Homeland Security can only share that information if someone requests it in writing.

Why shouldn't the Secretary be required to provide that information to the CIA? If we can link an alien to a drug trafficking kingpin, then why shouldn't the application be a source of intelligence?

This provision severely handicaps our national security and criminal investigators, and again a provision in this bill that doesn't meet the commonsense test.

Let's look at the so-called \$10,000 fine for bureaucrats. Let's say a Federal agent uses the information I just spoke about by an alien in an application for amnesty. Under the bill, the agent would be fined \$10,000. Yes, fined five times more than the alien has to pay to get amnesty in the first place. That does not pass the commonsense test.

Let's look at qualifying for Social Security for aliens who are here illegally. The bill does not prohibit illegal aliens from getting credit for the money they put into the Social Security system if they worked in the United States illegally. Immigrants here illegally who paid Social Security taxes using a stolen Social Security number did not do so with the expectation that they would ever qualify for Social Security benefits. They paid

those taxes solely as a cost of doing their job. They never paid into the system with a reasonable expectation that they would receive any benefits. People who have broken the law should not be able to collect benefits based upon unlawful conduct. Their conduct has caused damage to countless numbers of American citizens and legal immigrants. Because of breaking our law, the victims are faced with Internal Revenue audits for unpaid taxes. Americans have trouble finding their own jobs and are left to reclaim the credit and clear up their personnel information. The Enzi amendment would have taken care of this, but it did not pass.

Our Members, again, gave up an opportunity of having this legislation meet another commonsense test. Employers get a criminal pardon for hiring illegal aliens under this bill. Not only does this bill legalize people who are here, illegally, it is going to pardon employers who committed criminal activity in hiring illegal aliens in the first place.

The bill says employers of aliens applying for adjustment status "shall not be subject to civil or criminal tax liability relating directly to the employment of such aliens."

That means a business that hired illegal workers now gets off Scott-free from paying the taxes they should have paid. This encourages employers to violate our tax laws and not pay what they owe the Federal Government. Why should they get off the hook?

What damage are we doing, once again as we did in 1986, in ignoring the breaking of law, giving amnesty and encouraging further disregard for the law in the future?

In addition to not having to pay their taxes, employers are also off the hook for providing illegal aliens with records or evidence that they have worked in the United States. The employers are not subject to civil or criminal liability for having employed illegal aliens in the past or before enactment.

Then fines for failing to depart, for aliens illegally in this country—those in what the bill calls the second tier who have been here for a period of time, from 2 years to 5 years, they must depart and reenter. If an alien doesn't depart immediately, they face a fine of \$2,000. If they don't leave within 3 years, they get a \$3,000 fine. These fines are not incentives for aliens to leave. They could then live in the United States for up to 3 years without facing deportation. There is no requirement for them to leave immediately.

Take a look at that subtlety in this legislation. If you want to be satisfied with paying a \$3,000 fine, you can stay here an additional 3 years illegally, and we presumably know that you are here illegally.

The second-tier employment requirements—these illegal aliens also have to prove that they have been working in the United States since January 7, 2004. They can prove it by attesting to the Federal Government or an employer,

not necessarily the one that employed them. They can also get around the requirement by providing bank records, business records, sworn affidavits, or remittance records.

Since when does proof of sending money back to Mexico prove employment? That, too, doesn't meet the commonsense test and is another case where the legislation talks about mandatory departure. It really is not mandatory.

The bill says the Secretary of Homeland Security may grant deferred mandatory departure for aliens here illegally in the 2- to 5-year category. He may, the law says, also waive the departure requirement if it would create a substantial hardship for the alien to leave.

In this legislation, there is a waiver interview requirement. Illegal aliens in the second tier who are required to leave the country can reenter the United States on a visa, but the bill says they do not have to be interviewed. In fact, it doesn't even give discretion to our consular officers around the world to require an interview.

I have advocated for in-person interviews since 9/11, especially since the hijackers weren't subject to appear in person. Today, the State Department is requiring interviews for most applicants and waives them for certain people, particularly those over 60 years of age. If an adjudicator wants to have an interview before giving a person a visa, they should have the power to do it.

Guest workers, under the provisions of this compromise, can become permanent workers. Unlike almost all visas, the H-2C visa can be used as an avenue to legal permanent residence and citizenship. The H-2C visa was created as a temporary worker program. In fact, the alien, at the time of application, has to prove they did not plan to abandon their residence in the foreign country. However, the visa can be redeemed for legal permanent residence after only 1 year in the United States.

H-2C workers can self-petition under this compromise. No other visa program allows an alien to petition for himself or herself to go from temporary worker to seeking citizenship. After 4 years, the alien can sponsor themselves for permanent residence in the United States. We had an amendment to tighten this provision, but the self-petition measure is still in the bill.

Family members of H-2C visa holders need not be healthy. Under current law, aliens must prove they are admissible and meet certain health standards. Many times, visa applicants must have a medical exam to show they do not have communicable diseases. They have to be up to date on immunizations and cannot have mental disorders. Spouses and children of H-2C visa holders, however, are exempt from this requirement. I have an amendment to fix this provision.

The H-1B visa cap can increase automatically. The annual cap is increased from 65,000 to 115,000, but it contains an

additional built-in escalator. If the cap is reached in 1 year, it can be increased by 20 percent the next year. It cannot be decreased; it can only go up.

There will be no serious evaluation of the need for foreign workers, and Congress loses its control over importation of cheaper labor.

There are no strings attached in this bill to new student visas. The bill creates a new visa that lowers the bar for foreign students who wish to come here and study math, science, and engineering. They can work off campus while in school, thus taking American jobs. They also can easily adjust from a student to a U.S. worker. They do not have to prove they will return to their home country when applying for the visa. Why would a student come here to study anything if they could be approved instantly without the requirement of the old visa system? Have some people forgotten that the September 11 terrorists came on student visas?

Now the US-VISIT provision. Congress mandated in 1996 the entry-exit system known to us under the acronym of US-VISIT. This program was authorized 10 years ago. It is still not up and running.

The bill says Homeland Security has to give Congress a schedule for equipping all land border ports of entry and making the system interoperable with other screening systems. Why, oh why, aren't they getting this job done? Why does Congress give the agency more time to get this system running? It does not make sense for us to ask for another timeline; it seems sensible just to get it done.

In the final analysis, I am probably only 1 of 15 Senators still in this Senate since the 1986 immigration law was passed, but I was led to believe in 1986 that by voting for amnesty with employer sanctions, we would solve our illegal immigration problem. It just encouraged further illegal immigration. I quantify that by saying it was a 1 million-person problem in 1986. Today, it is a 12 million-person problem. And 20 years from now, if we do not do it right this time, it is going to be a 25 million-person problem. You get burned once, but you should not get burned twice or you have not learned anything. In the process, we ought to get it right this time. I don't think granting amnesty 20 years after we made the first mistake is the way to do it.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I express my appreciation for the leadership of Senator GRASSLEY. He spoke from the heart. He was here during the 1986 amnesty debate. I happened to go back and I saw a summary of that debate. The Members argued on one side saying it was a one-time amnesty; others said amnesty begets amnesty, that if this occurs, there will be more to come. In truth, we see which side has prevailed.

Chairman GRASSLEY has given much insight and wisdom. I hope our Members will consider what he has to say. It is thoughtful, honest, and direct, as always.

I do remain troubled that the Senate is moving steadily, like a train down the tracks, to pass an immigration bill that is deeply flawed. It dramatically increases legal immigration and has no guarantee that significantly improved enforcement procedures will ever be carried out. In fact, the Senate rejected the Isakson amendment which would have conditioned amnesty on effective enforcement. Clearly, we have not comprehended the ramifications of rewarding those who have broken our laws with all the benefits we give to those who lawfully enter, thereby undermining, as Senator GRASSLEY said, the rule of law in this country.

Further, this legislation, which claims to be comprehensive, provides a radical increase in future legal immigration almost with no discussion or consideration of what is good policy for our future. In addition, the legislation has been crafted in a way that hides and conceals, even misrepresents, its real effects.

Thus, I have said it should never pass. I have said that these actions are unworthy of the great Senate of the United States. I have said, and I think correctly, we should be ashamed of ourselves.

What should we be doing? What should the Senate of the United States be doing? We should be working openly and diligently on these issues and should have been for some time. We should be seeking the input of experts and carefully studying relevant data. Certainly we should be consulting with those who have hired us—at least for a term—the American people.

In my view, the American people have been right from the beginning. They have rejected an immigration system that makes a mockery of law, a system that rewards illegal behavior, while placing unnecessary bureaucratic hurdles in the face of those who dutifully attempt to comply with the law. In the decades before the 1986 amnesty and after, they have urged and pleaded with the powers that be to end the illegality, to secure the border, and to develop a system based on the common-sense interests of our Nation. The American people have been arrogantly ignored by the executive branch and by the Congress.

We have failed to fulfill our responsibilities, in direct opposition to the legitimate and clearly stated will of the American people.

In every way, the American people have been correct. They have been motivated by the highest of American ideals, despite what the critics say. They have sought a lawful, wise system of immigration. It is unfair to ascribe to the good American people the words of some frustrated and extreme person whose anger overflows—the talk show callers and the like. That is not the

heart of the American people, just because someone mis-spoke on a talk show or in a conversation. What they are saying is legitimate, principled, and consistent with the American ideals. We have not responded to it. We did not respond to it before 1986. We did not respond to it in 1986. We have not responded to it since.

The American people will support a fair and generous immigration policy for the future, and they will support compassionate and fair treatment of people who have come here illegally. They are not asking that they be prosecuted, locked up, or that every one be hauled out of America. That is not so. No one is proposing that in any serious way.

Make no mistake, we cannot treat lightly and it is a grave step to concede, to admit, that the laws of the United States will be ignored and not enforced. During the 1986 amnesty debate, it was argued that amnesty would be a one-time event. People argued that if that were done, it would weaken the rule of law and encourage more people to enter the country illegally, confident that at some day in the future, amnesty would be available to them, too. I ask my colleagues, who was right 20 years ago?

Senator GRASSLEY just told us who was right. He said he believed it was a mistake when he voted for it. Not many Senators have the gumption to come to the Senate and admit they made a mistake. While amnesty just 20 years ago created a legal route to citizenship for 3 million people not here legally, today we are expecting, 20 years later, 11 million and perhaps 20 million people could benefit from this amnesty.

We must acknowledge that when you play around with the rule of law in a nation that expects to be treated seriously, you have done something quite significant. It cannot be altered or undermined without real consequences. Life has consequences. If you pass a law and then turn around and admit you cannot enforce it, with a promise that we are going to enforce it in the future and we are going to allow everyone who violated a law a free pass, what does that say about the future? These are not light matters. If we could do it like that, if we could make this kind of 180-degree turn without consequences, it would be one thing, but life is not that way. We are supposed to be a mature branch of Government of the greatest Nation on the face of the Earth. Surely we know that. Surely we know we cannot do this lightly. I am afraid some have not given enough thought to that.

I wanted to share those remarks at the beginning because we are dealing with huge numbers of people who will be legalized. We will be dealing with a fundamental expansion of immigration, a massive amnesty, large increases in governmental expenditures, and an enforcement promise I am not sure we will ever see occur because enforcement was promised in 1986. It was

faithfully and honestly guaranteed by supporters of that bill in 1986, and it was never accomplished.

I will introduce four amendments this afternoon. The four amendments are, first, a numerical limit amendment, an amendment to cap the immigration increases caused by this bill. The numbers CBO and the White House say we should expect include 7 million and their dependents under amnesty. Additionally, CBO and the White House estimate that under this bill 8 million new immigrants will flow into the country above the current level 10 million over the next 10 years. Got that? What my amendment will do is cap green cards at 7 million for amnesty, plus we are going to add 8 million to the current flow in the future.

We think the numbers are higher than that. But that is what the CBO says the numbers are. That is what the White House has trumpeted as the numbers. So at least, I suggest, this Senate should make clear those are the numbers, and let's pass it, so we will not have this danger that the bill will spin out of control or in fact will be much more generous to immigration than some are currently suggesting, even CBO.

Another amendment will be the earned-income tax credit. This would be an amendment to eliminate the earned-income tax credit for illegal aliens and those who have adjusted status under this bill. Once illegal aliens become citizens, they will once again be eligible for the earned-income tax credit. But it is a huge expense, maybe over \$20 billion over 20 years.

I will have an amendment to deal with chain migration which has to do with provisions that are continued in current law but are not principled and do not serve our Nation well. If we want to admit more skill-based immigrants, we must reduce the right of immigrants to bring in certain categories of relatives, regardless of skill, regardless of ability to perform.

We will work on those four amendments, and I hope we will be able to get a vote on them. I know people are saying: No, no, we need to move this bill on. We can't go another day. We have to finish this debate. You guys have had your little amendments. The train is moving. Get off the track. We are going forward. And I am already hearing that we are moving in that direction: The debate is going to be limited, and we will have to curtail our legitimate amendments.

I submit to you, the amendments I am offering here are legitimate amendments that go to real issues of national importance, not some technical thing.

My amendment that deals with the total number of immigrants into the United States comports with the estimates of the Congressional Budget Office which has run these numbers. I thought they were low, but that is what they say, and the White House has jumped right on it and said: These are the numbers, and SESSIONS and the

Heritage Foundation are all wrong. Their numbers are not good. These are good numbers, so let's just have a vote on it and let's make it law.

They estimate that a total of 7 million illegal aliens and their dependents will be granted status under the bill. Of the 11 million, they say 7 million will be granted status.

Additionally, the CBO and the White House estimate this bill will increase current immigration levels—which are now about 1 million a year legally—by about 8 million over a 10-year period, making total immigration into the United States over the next 10 years nearly 18 million instead of the currently expected 10 million, setting aside those who get amnesty.

Under various provisions of current law, the United States issues just under 1 million—approximately 950,000—green cards every year to people coming through immigration channels legally.

In 10 years, if this law remains the same as today, almost 10 million people will join the United States. Over 20 years, it would be about 18.9 million people—just under 20 million—under current law.

Under this bill that is on the floor today, we have been shocked to find the breadth of the numbers.

Almost 2 weeks ago, my staff and the Heritage Foundation did separate extensive analyses to determine the total number of people who would be coming into America under this bill, if it passes.

At a press conference last Monday—the first time anybody had even discussed it—Robert Rector, senior research fellow at the Heritage Foundation, joined with me to reveal the results of our studies and to shed some light on the future immigration policy changes in the bill.

According to my projections, the bill would have increased the legal immigration population by 78 million to 217 million over the course of the next 20 years. I would note, the current population of the United States today is less than 300 million. So 100 million would be a one-third increase in the population by immigration; 200 million, of course, would be two-thirds of an increase in the population.

Mr. Rector's estimate was within the range I projected—coming in at 100 million over the course of 20 years. I just tried to figure out what the low numbers could be and the high numbers could be. He focused on what he thought the number would turn out to be. He found it to be 103 million people over the next 20 years—one-third of the current population of the United States of America.

So the day after those numbers were released, the Senate adopted an amendment offered by Senator BINGAMAN—I see him on the floor today—which is, I think, perhaps, the most significant amendment we have adopted to date, that capped the number of people who could come into the country under that

bill's new H-2C temporary guest worker program at 200,000 per year, not 325,000. And it ended this 20-percent automatic escalator clause.

I say to Senator BINGAMAN, I thank you for your effectiveness on that amendment. And it ended up having a pretty nice vote. But until that time, we had not begun to discuss on the floor of the Senate anything other than enforcement at the border and amnesty provisions. We had not even thought about it. How did they put this in there? How did they come up with an automatic 20-percent increase in immigration for a low-skilled provision of this bill? Who wrote that in there? Did anybody even know it was there?

If my fine staff had not been digging into it, I am not sure it would have been found. Well, the Heritage Foundation also dug into it, but awfully late. The bill had been tried to be pushed through this Senate about a month ago without any debate, without any amendments. They were just going to move that through. So it was a good improvement.

We now expect, after this however, that the numbers are still huge. I project the expected numbers in the next 20 years will be between 73 million and 92 million. Robert Rector has estimated that it will be 66 million over the next 210 years. He didn't include H-1B in his calculations.

So without any growth in the H-1B, the high-skilled visa program, we come in at 73 million. Under the maximum growth, we would come in at 92 million. Current levels, under current law, would be 10 million. Now, that is a big, big deal. It represents a serious policy decision of the people of the United States. And how many American people know we are talking about that? And 92 million is over four times the current rate of immigration in this country—five times really. From where did that come?

So even after Senator BINGAMAN's effective amendment, it is important to remember that both the Heritage Foundation's—Mr. Robert Rector's—projections and mine calculate the bill will still increase current levels of immigration three- to fivefold over the next 20 years. The realistic estimate, I think, is four times the current rate. Is that what we need? Maybe it is. But we sure have not talked about it. Have you heard the American people consulted on that? We already have a pretty generous immigration system, I submit. It brings in a million people a year.

People say: Well, you have lots of illegal immigrants too. That would be 50 percent more, maybe 500,000 a year, as estimated. That is not three, four, five times the current rate.

Last Tuesday, the CBO released its final score of the Senate immigration bill. They estimated that if it passes, it would result in an 8 million person increase in the population over the first 10 years. The precise estimate is 7.8 million, which can be found on page 4 of the CBO score.

This estimated 8 million increase accounts for only future legal immigration caused by the bill. It does not include an estimate for the number of illegal aliens. We are not going to take that to zero, surely. Surely, we will make some progress to reduce illegal immigration, but it is not going to zero.

The CBO estimate for how many in the illegal alien population would benefit from the bill's amnesty provisions is contained in a separate calculation on page 22. On page 22, CBO estimates that 1 million illegal aliens will be adjusted under the AgJOBS provisions, and that two-thirds of the 6 million illegal aliens here for more than 5 years, and 50 percent of the 2 million illegal aliens here between 2 and 5 years, will adjust status under the bill's provisions.

So according to CBO, a total of 6 million illegal immigrants will become legal permanent—permanent—residents under the bill and be placed on an automatic path to citizenship.

Now, the White House, last Thursday, in a press release, entitled "Setting the Record Straight"—OK—wholeheartedly embraced the CBO report and claimed that the 8 million future immigration estimate by CBO is "consistent with most research on immigration issues."

The White House press release also embraced the CBO estimate on the current illegal alien population but stated it a little differently. According to the White House, CBO estimated that about one-third of illegal immigrants eligible for legalization under the bill are unlikely to become legal permanent residents. Therefore, the logical conclusion of this statement is that two-thirds of the eligible illegal alien population will likely become legal permanent residents.

The White House press statement directly implies that the White House does not expect more than two-thirds of the illegal alien population to become legal permanent residents under the bill.

If 10.3 million people have been illegally present for more than 2 years, two-thirds of that number would mean approximately 7 million people now living here illegally will benefit from the amnesty provisions. This estimate—7 million—is 1 million higher than the way CBO lays out the numbers on page 22 of their score.

As the press statement points out, these estimates are much lower than the estimates that Robert Rector or my staff, after extensive review, came up with.

Although I highly doubt we have true numbers from the CBO, I sincerely hope they are accurate, and not mine. It is imperative that the American people, however, be able to trust their Government—particularly those agencies that enforce these laws—when discussing issues such as these. My amendment will adopt the CBO and White House estimates as the realistic result of S. 2611's increases in immigration.

Under the amendment we are offering, the number of green cards that CBO and the White House estimate will be needed will be made available for the adjustment of status provisions and future immigration levels caused by the bill.

First, the amendment limits the number of green cards available under the bill's amnesty provisions to two-thirds of the qualified illegal alien population of about 10.3 million—a total of 7 million green cards.

Second, the amendment limits the increase in future immigration to 8 million above the current level of 10 million over 10 years. Under the amendment, the total number of green cards issued shall not exceed 18 million over any 10-year period, starting with the 2007–2016 10-year period.

Because real numbers of current immigration levels would only reach about 9,500,000 in 10 years, an additional 500,000 green cards are added to the White House's estimate in this amendment.

It is important that we limit the bill's effects to the numbers being used to justify the bill's passage, at least. The American people are much more accepting when they know the numbers we are asking them to believe in. And they are asking us to make sure we tell them truthfully, and that we comply with it. Though I am not in favor of granting amnesty to those who break the law, I believe it is important to hold the administration to its word when enacting a comprehensive reform bill.

My amendment limits the number of illegal aliens who can be granted amnesty under the bill. This limit will in turn limit the potential for fraudulent adjustments of status. It would also say if there were more claiming for green cards under amnesty than projected, and they met all the qualifications, they would get those green cards, but the future flow numbers would be reduced to cover that. Unlike the bill as written, my amendment would allow for a controlled increase in legal migration by placing a cap on the number of green cards that can be issued under the bill's other provisions. The fact is, we cannot admit everyone who wants to come to our country. Unlimited immigration will put a strain on finite resources. Therefore, in addition to properly enforcing our laws and securing our borders, we must put reasonable limits on the number of people who can enter permanently.

Under my amendment, future immigration will be increased by—hold your hat—80 percent, but not as much as the current bill allows, 300 to 500 percent. Eighty percent is too high. We haven't had the evidence to justify that, but I am saying, let's put this up for a vote so when this bill goes through here, we will at least know what the top level is.

This amendment is sensible and responsible. I ask my colleagues to vote for it. Later, I hope to have the oppor-

tunity in the debate—I see others, and I won't utilize any more time—to talk in more detail about the earned-income tax credit amendment, the need to reform in a significant way the unprincipled chain migration provisions of the bill, and the H-2C green cards future flow cap for H-2C green cards to be issued.

I thank my colleagues for their time. I urge each one of us to spend some serious time in analyzing the impact of this hugely important piece of legislation that the American people care about, and rightfully so. It is our responsibility to get it right. We don't want to be back here, as Senator GRASSLEY has done today, and say we have made a mistake in 2006.

I yield the floor.

The PRESIDING OFFICER. The distinguished majority whip.

Mr. McCONNELL. I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST— EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I rise today because five families in Harlan County in the Commonwealth of Kentucky suffered a devastating and tragic loss this past weekend. As many of our colleagues are aware, an explosion rocked the Kentucky Darby Mine No. 1 around 1:30 Saturday morning.

According to news reports, the blast occurred nearly a mile underground near a sealed-off area of the mine. The force of the explosion was so powerful it caused damage over 5,000 feet up at the mine opening.

Five miners were killed. Their families are, of course, completely devastated, and the entire community is struggling for answers in the face of such a catastrophe, an unexpected tragedy that is so overwhelming it breaks your heart and almost leaves you numb.

There is one ray of light in this otherwise very dark episode. One miner, a man named Paul Ledford of Dayhoit, KY, managed to escape the blast. He was injured but reportedly was still able to walk out of the mine on his own two feet. After a short stay in the hospital, he was released, and I am sure his family is thrilled that he survived the catastrophe.

The Darby mine explosion brings this year's total number of deaths from mining accidents in Kentucky to 10, double what it was just 72 hours ago. Thank goodness Paul Ledford's name is not on that list.

But these Kentuckians' names are: Paris Thomas, Jr., 53, of Closplint; George William Petra, 49, of Kenvir; Jimmy B. Lee, 33, of Wallins Creek; Amon "Cotton" Brock, 51, of Closplint; and Roy Middleton, 35, of Evarts. All were lost in this explosion Saturday.

The Harlan County coroner's report indicates that Amon Brock and Jimmy